



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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By ECF

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Re: United States v. Muhanad Mahmoud al Farekh
Criminal Docket No. 15-268 (S-2) (BMC)

Dear Counsel:

The government writes in response to your letter dated September 10, 2017, in which you ask for a summary of and the basis for the opinions of previously disclosed government expert witnesses. Specifically, you requested this information for Lorenzo Vidino, Evan Kohlmann and Earl Gliem.

I. Expert Testimony Concerning Fingerprints

As an initial matter, the government first advised you on March 28, 2016, pursuant to Rule 16(a)(1)(G), that it would call an expert witness in the field of fingerprint comparison. On June 26, 2017, the government noticed Kendra Sibley as a fingerprint expert and provided a summary of her anticipated testimony. Specifically, the government stated that Ms. Sibley would testify that 18 latent prints lifted from packing tape recovered from an unexploded VBIED at a U.S. base in Afghanistan in January 2009 were a match to the defendant. In addition, on the same date, the government identified the precise materials within the government's Rule 16 discovery on which Ms. Sibley relied in her analysis. On August 18, 2017, the government noticed Earl Gliem as a fingerprint expert, and advised that Mr. Gliem would testify on the same subjects as Ms. Sibley. Specifically, Earl Gliem is also expected to testify that the 18 latent prints referred to above were a match to the defendant. On that same date, the government also provided an additional fingerprint report and additional materials relating to the fingerprint analysis.

In your September 10, 2017 letter, you stated that the government's 3500 material and trial exhibits do not contain any documentation concerning "observed information in the latent print." In the government's September 5, 2017 letter memorializing the production of 3500 material, the government explained that for forensic experts, such as the fingerprint experts Kendra Sibley and Earl Gliem, the government had previously produced their underlying files in Rule 16 discovery and was not re-marking as 3500 material all of those same documents. The specific documentation concerning observed information in the latent prints is contained in the government's second Rule 16 production dated August 18, 2017, and is specifically included in the pdf file labeled number "6".

II. Expert Testimony from Lorenzo Vidino

On June 26, 2017, the government provided notice that it would call an expert witness to testify about, among other topics, the history, leadership, infrastructure and geographic locations of al-Qaeda and its external operations division during the relevant time period outlined in the indictment; al-Qaeda terrorist training camps; specific acts of terrorism perpetrated by al-Qaeda; the background and significance of certain al-Qaeda affiliated groups such as Haqqani; al-Qaeda's media productions and media efforts; and the process of radicalization, including with respect to Anwar al-Awlaqi and his jihadi videotapes and sermons

On July 21, 2017, the government disclosed that it anticipated calling Professor Lorenzo Vidino, an expert in Islamist extremism and radicalization, to testify on the topics listed in the government's June 26, 2017 expert notice. The government provided a copy of Professor Vidino's curriculum vitae. Professor Vidino is currently the Director of the Program on Extremism at George Washington University. The Program on Extremism collects information from a variety of sources, including academic and scholarly works, historical information, open source reporting, and field work to analyze trends relating to Islamist extremism and radicalization. As Director of the Program, Professor Vidino regularly consults with various agencies within the United States government, private businesses, law firms, and think tanks on the topics of terrorism and political Islam. Professor Vidino is also the Director of the Terrorism Program for the Institute for International Political Studies in Milan, Italy, and consults with several European governments on terrorism and counter-radicalization. Professor Vidino has authored, contributed to, and edited numerous books, articles and reports on terrorism and the dynamics of radicalization. Professor Vidino's research for these works includes interviews with various law enforcement agencies, intelligence agencies, and persons charged with terrorism offenses, and draws upon a variety of open sources, including court records and news reporting. Professor Vidino's particular focus is radicalization in the United States and Europe. Professor Vidino will rely on his education, training and experience to testify about the topics outlined in the government's June 26, 2017 and July 21, 2017 notices. The government anticipates that Professor Vidino will testify to the following, in sum and substance:

A. History, Leadership, Infrastructure and Location of al-Qaeda

Al-Qaeda is an organization that was created in 1998 in Afghanistan by a group of Arab foreign fighters who had traveled to fight against the Soviet Union, and then began to pursue the cause of creating a global jihadist movement. Their goal was to topple Middle Eastern regimes that they perceived as corrupt and create regimes that adopted a strict interpretation of Islamic text. This group believed that military force was the only way to achieve this goal. Some of the top leaders in al-Qaeda included Usama bin Laden, Abdul Azzam and Ayman Mohammad al-Zawahiri.

Al-Qaeda was initially located along the border of Afghanistan and Pakistan. Al-Qaeda provided training to new members and formed training camps. The training camps started in Peshawar and quickly opened in Afghanistan. Al-Qaeda was a bureaucratic organization with centralized leadership. The Shura Council was a core group of 12-15 people that made decisions ranging from how to recruit new members to larger strategic issues. Al-Qaeda also paid its members. Al-Qaeda had a strategic alliance with the Taliban. There were ideological similarities between al-Qaeda and the Taliban, although the Taliban was more locally focused.

By the time period of 1996-2000, al-Qaeda had specific objectives regarding the United States, which it viewed as an obstacle to its goal of toppling Middle Eastern regimes. Among al-Qaeda's notable attacks on U.S. interests were the 1998 attack on United States embassies in Kenya and Tanzania, the 2000 attack the USS Cole in Aden harbor, and the September 11, 2001 attacks on U.S. soil.

The 9/11 attack was widely publicized, and al-Qaeda claimed direct responsibility through videos and messages. The attack increased al-Qaeda's prominence and contributed to its recruiting efforts. After 9/11, the United States invaded Afghanistan and al-Qaeda dispersed to other countries. Although many of its leaders were killed, al-Qaeda was able to remain intact as an organization and began to reestablish itself in the FATA. During this time, Al-Qaeda had an external operations group that planned attacks outside the Afghanistan and Pakistan region. Al-Qaeda leaders during this time included Adnan Shukrijuma, Rauf Rashid, and Saleh al Somali.

B. Al-Qaeda's Terrorist Training Camps and Recruitment Efforts

By 2006 or 2007, al-Qaeda's training camps were well established in the FATA. Al-Qaeda was able to establish itself in that region because of its relationships with various militant groups, including the Taliban and the Haqqani network. During this time, new recruits came to Pakistan from Western countries and were able to join al-Qaeda. For example, the perpetrators of the 2005 London bombing traveled from England to Pakistan without any operational connection to al-Qaeda.

Recruiting new members is critical to al-Qaeda. Al-Qaeda recruits new members in a variety of ways on a global scale. Al-Qaeda publishes propaganda and has a

media wing called Al-Sahab. In addition to recruiting new members, al-Qaeda media and propaganda inspires existing members. Al-Qaeda's online presence increased after 9/11. Al-Qaeda has several affiliates who espouse and promote al-Qaeda's ideas and goals. These affiliates contribute to al-Qaeda's recruiting and propaganda efforts. Some al-Qaeda propaganda explicitly references the United States and paints the United States in a negative light. Al-Qaeda had a practice of eulogizing members who had died. Glorifying the deaths of members contributed to al-Qaeda's recruitment and propaganda efforts.

Al-Qaeda has always had an interest in recruiting new members from the West, as a result of their knowledge of those regions, ability to blend into Western societies, and greater ease of movement across borders. Al-Qaeda created propaganda that specifically targeted Westerners by using spokespersons who spoke English and were familiar with Western culture. Adam Gadahn, also known as Azzam Al Amriki, is an example of an English-speaking Westerner who joined al-Qaeda and frequently appeared in al-Qaeda media.

C. Anwar Awlaki and Radicalization

Anwar Awlaki was one of the most influential producers of jihadist propaganda. Awlaki was an imam in the United States who produced a series of highly popular lectures that were available on the internet. Awlaki's early lectures were conservative but not overtly extremist. The "Hereafter" series provides an example of Awlaki's early works. Awlaki left the United States shortly after 9/11 and joined al-Qaeda in the Arabian Peninsula. Awlaki's productions became increasingly radical until he was calling for direct acts of violence against the United States.

Radicalization is a process by which an individual accepts a set of extreme ideas, including the legitimization of the use of violence. This is a process that can take a long or short amount of time. There is no typical profile of an individual who is susceptible to radicalization. Radicalization is not a linear process and is different for different individuals. Radicalization can occur without personal contact from a member of a terrorist organization, and may begin by watching propaganda online. There is a connection between radicalization and consumption of jihadist propaganda. Radicalization can occur in isolation but it is commonly seen in small groups of friends. When the small group becomes interested in a radical ideology, it creates an echo chamber that reinforces the radical ideas and prevents the introduction of countering beliefs. This dynamic accelerates the radicalization process. In the post 9/11 era, it has become more common for individuals to radicalize without a personal connection with a terrorist organization. "Mobilization" is the movement beyond consuming propaganda to taking action. Mobilization can take many forms, and includes traveling to where an organization is located.

D. Other Testimony

Professor Vidino will also define and provide context for various terms such as jihad, mujahideen, kunya, fatwa, hadiths, Jannah, Tablighi Jamaat, and hijrah.

III. Expert Testimony from Evan Kohlmann

On August 7, 2017, the government disclosed that it anticipated calling Evan Kohlmann as a substitute for, or as a supplement to, Professor Vidino, on the same subjects. The government provided a copy of Mr. Kohlmann's curriculum vitae.

Mr. Kohlmann is a private International Terrorism Consultant who specializes in tracking al-Qaeda. He holds a degree in International Politics from the Edmund A. Walsh School of Foreign Service at Georgetown University, and a Juris Doctor from the University of Pennsylvania Law School. Mr. Kohlmann is also the recipient of a certificate in Islamic studies from the Prince Alwaleed bin Talal Center for Muslim-Christian Understanding (CMCU) at Georgetown University. Currently, Mr. Kohlmann works as a senior partner at Flashpoint Global Partners, a New York-based security consulting firm, and he serves as an on-air analyst for NBC News in the United States and as an investigator with the NEFA Foundation. Mr. Kohlmann authored the book *al-Qaida's Jihad in Europe: the Afghan-Bosnian Network* (Berg/Oxford International Press, London, 2004), which has been used as a teaching text in graduate-level terrorism courses offered at such educational institutions as Harvard University's Kennedy School of Government, Princeton University, and the Johns Hopkins School of Advanced International Studies (SAIS).

The sources and bases for Mr. Kohlmann's expert testimony include his experience as a testifying and consulting expert witness in numerous federal trials, his experience in interviewing terrorists and his review of open source materials pertaining to terrorism and terrorist organizations, including but not limited to al-Qaeda and the Islamic Army of Iraq. Further information about Mr. Kohlmann's qualifications and testimony is contained in his previously disclosed 3500 material.

At this time, the government anticipates calling Mr. Kohlmann as a supplement to Professor Vidino and anticipates that Mr. Kohlmann will testify regarding the creation and circulation of specific jihadist propaganda, including:

- Lee's Life of Lies: an al-Qaeda affiliate, the Islamic Army of Iraq, published the video Lee's Life of Lies online and promoted the video through online jihadist forums (see 3500-EK-3 and 3500-EK-4).
- Anwar al-Awlaki: Awlaki published several lectures promoting jihad, including Allah is Preparing Us for Victory, The Dust Will Never Settle Down, The Prophet, and Mashari Al-Ashwaq (see 3500-EK-187).
- The Invasion of Abu Dujana Al-Khurasani: al-Qaeda released an official communique online following the martyrdom attack by Abu Dujana Al-Khurasani (see 3500-EK-186).

- The Dua of Dr. Muhammad al-Mohaisany: this sermon calls for attacks against America (see 3500-EK-188).
- Martyrs: al-Qaeda propaganda includes acknowledgements of al-Qaeda members having been killed in air strikes.
- Syria: al-Qaeda propaganda includes messages promoting and extolling mujahideen fighting violent jihad in Syria.
- Perfumed corpses: al-Qaeda propaganda includes the myth that the bodies of dead mujahideen smell like perfume.
- Jihadist websites including Uponsunnah and Aswatalislam: these websites, among others, were a vehicle for spreading jihadist propaganda online.

The government reserves the right to amend and supplement the breadth of Mr. Kohlmann's testimony during trial, to include the information set forth above for Professor Vidino.

Very truly yours,

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cc: Clerk of Court (BMC) (by ECF)